

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Stanley M Gustafson,
Plaintiff,

v.

Amazon.com Incorporated, et al.,
Defendants.

No. CV-24-01834-PHX-SHD

ORDER

On March 11, 2025, Plaintiff Stanley Gustafson filed a Second Amended Complaint (“SAC”) (Doc. 41), and on March 12, 2025, he filed a Motion for Class Certification pertaining to the SAC (Doc. 42).

Because the time has passed for Gustafson to file an amended complaint as a matter of course, Fed. R. Civ. P. 15(a)(1), he can only file an amended complaint with the opposing party’s written consent or by filing a motion with the Court for leave to file the amended complaint. Fed. R. Civ. P. 15(a)(2). This Court also requires a plaintiff who moves for leave to amend a complaint to attach a copy of the proposed amended complaint as an exhibit to the motion, indicating in what respect the amended complaint differs from the previous complaint. LRCiv 15.1(a). If, instead, the plaintiff received written consent from the opposing party to file an amended complaint, the plaintiff must file a notice of filing the amended pleading, which attaches a copy of the proposed amended complaint as an exhibit to the motion and shows in what respect the amended complaint differs, along with certification that the plaintiff obtained the opposing party’s written consent to file the

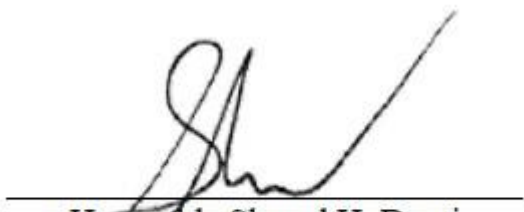
1 amended complaint. LRCiv 15.1(b).

2 Gustafson filed the SAC without seeking leave or certifying that he obtained the
3 Amazon Defendants' written consent to file the SAC. Gustafson also did not attach an
4 exhibit showing the ways in which the SAC differs from the previous complaint.

5 **IT IS THEREFORE ORDERED** that the SAC (Doc. 41) is **stricken** for failure to
6 comply with the Federal Rules of Civil Procedure and this Court's Local Rules of Civil
7 Procedure. Gustafson may either file a motion for leave to file the SAC or seek and obtain
8 the Amazon Defendants' written consent to file it.

9 **IT IS FURTHER ORDERED** that the Motion for Class Certification (Doc. 42) is
10 **denied as moot**, because it pertains to the now-stricken SAC. The Court's denial is without
11 prejudice to Gustafson filing such a motion in the future, if proper.

12 Dated this 18th day of March, 2025.

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Honorable Sharad H. Desai
United States District Judge